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January 27, 2022

By ECF

Attn: Newly Assigned Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

MEMO ENDORSED

***Re: United States v. Frankie Garcia,
15 Cr. 818 (SAS)***

Dear Your Honor:

I represent Defendant Frankie Garcia in the above-referenced matter, a case which was previously assigned to the Honorable Shira A. Scheindlin. I write to request that Mr. Garcia be granted early termination of supervised release.

Background

On September 25, 2015, Frankie Garcia was charged in a one-count Complaint, alleging his participation in a conspiracy to distribute and possess with intent to distribute five kilograms or more of mixtures and substances containing a detectable amount of cocaine in violation of 21 U.S.C. §§ 841(b)(1)(A).

In brief, Mr. Garcia was recorded attempting to purchase cocaine from a paid informant who had previously pled guilty and been sentenced in relation to his own narcotics offenses. During the attempted transaction Mr. Garcia was recorded boasting that he was involved in a drug organization that sold large quantities of cocaine on a weekly basis. In the end, Mr. Garcia was arrested with enough funds to purchase one kilogram of cocaine. A large quantity, for certain, but well below the level of his suspected associates. In any event, pursuant to his plea agreement, the approximate amount of cocaine held attributable to Mr. Garcia for Guidelines purposes was between 2 and 3.5 kilograms of cocaine. See Pre-Sentence Report (“PSR”), dated, February 10, 2016, at ¶ 18.

On November 24, 2015, Mr. Garcia pled guilty, pursuant to a plea agreement, to a one-count Information charging him with conspiracy to distribute and possess with intent to distribute 500 grams and more of mixtures and substances containing a detectable amount of cocaine in violation 21 U.S.C. §§ 841(b)(1)(B), 846.

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On April 18, 2016, after a consideration of Mr. Garcia's mitigating factors coupled with the position of the Probation Department, the Government, and the defense that Mr. Garcia be sentenced to the mandatory minimum sentence permitted under statute, i.e., 60 months' imprisonment, Judge Scheindlin sentenced Mr. Garcia to 60 months' imprisonment followed by four years of supervised release.

Mr. Garcia was released from custody on March 7, 2019, at which point his supervised release began.

Frankie Garcia's successful term of supervision

Mr. Garcia's four-year term of supervised release is scheduled to end on March 7, 2023. During this time, he has had no violations and has been fully compliant with the terms of his supervision. Mr. Garcia now seeks an early termination of his supervised release so that he may move to Atlanta to provide him with a fresh start and to be closer to his son.

Mr. Garcia's son had been living with Mr. Garcia and Mr. Garcia's mother in New York City, but, due to increased violence in their neighborhood in the Bronx, in the Fall of 2020, Mr. Garcia's son moved to Atlanta to live with his mother; this occurred after he graduated from middle school. Mr. Garcia's son is now in his sophomore year of high school. Mr. Garcia misses him greatly and wants nothing more than to move to Atlanta so he can be closer to his son and return to an active role in his son's everyday life.

Additionally, Mr. Garcia's son is an avid basketball player and his schedule can be demanding. His mother works a full-time job, and as a result at times it can be overwhelming for her to care for their son alone since her job does not offer flexibility and she does not have any additional support system. If Mr. Garcia's supervision were to be terminated he could move to Atlanta and provide that needed support to his son.

As stated, since Mr. Garcia's release from custody he has remained in full compliance with the terms of his supervision. When initially in a halfway house he completed an 8-week job certification program and obtained an OSHA 30-hour certificate at the Osbourne Association. From there he was placed at Fresh Start Catering. He then got a higher paying job at Alliance Maintenance. Upon release from the halfway house, he began to work for Elite Chauffeur as a driver while simultaneously attending Al Serano's Professional Driving School, where he obtained a CDL Class B Driver's License. He then began work as a driver for Fischer Foods Inc. Although Mr. Garcia lost his job at Fischer Foods due to the COVID-19 pandemic, he has worked for Map Runnerz LLC as a dispatcher since March 2021.

Importantly, Mr. Garcia has been extended an offer of employment in Atlanta to work as a dispatcher and driver for Sharks Club Logistics, a trucking company based there, to begin as soon as he has relocated. As such, he has set in place a source of income in Atlanta so that he can continue to excel, remain on the right path, and provide his son with support.

The Assistant United States Attorney previously assigned to Mr. Garcia's case is no longer in the Office and no replacement has been assigned yet to this case. That said, I have

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spoken previously to Mr. Garcia's Probation Officer, Zondra Jackson, and she has informed me that the Probation Department has no objection to the early termination of Mr. Garcia's supervised release.

Accordingly, the undersigned respectfully requests an early termination of Defendant Frankie Garcia's supervised release so that he may relocate to Atlanta, Georgia, as soon as possible.

Thank you for your time and consideration.

The foregoing request is granted. Mr. Garcia's supervised release term is hereby terminated as of February 4, 2022. DE # 20 resolved. SO ORDERED.

2/3/2022

/s/ Laura Taylor Swain, Chief USDJ

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MBR', with a long horizontal flourish extending to the right.

Michael K. Bachrach
Attorney for the Defendant
Frankie Garcia

cc: P.O. Zondra Jackson (by email)